

DOCKET NO. PHCH 000002 (PHIL06-00065)  
SERIAL NO. 09/761,253  
PATENT

**REMARKS**

Claims 1-19 and 21-25 were pending in this application.

Claims 1, 3-5, 18, and 21 have been rejected.

Claims 2, 6-17, 23, and 24 have been objected to.

Claims 19, 22, and 25 have been allowed.

Claims 5, 12, 14, 21, and 22 have been amended as shown above. Because these amendments place the claims in better condition for allowance or appeal, these amendments comply with 37 C.F.R. § 1.116.

Claims 1-19 and 21-25 remain pending in this application.

Reconsideration and full allowance of Claims 1-19 and 21-25 are respectfully requested.

**I. STATUS OF CLAIMS**

The Applicant respectfully notes that the Office Action Summary and the Office Action identify different sets of claims that are objected to and that are allowed. Based on the Office Action, the Applicant believes that Claim 19 (an independent claim) and Claims 22 and 25 (dependent claims from Claim 19) have been allowed. The Applicant also believes that Claims 2, 6-17, and 23 (dependent claims from Claim 1) and Claim 24 (dependent claim from Claim 18) have been objected to as being allowable if rewritten in independent form.

If the Applicant is incorrect in the status of the claims, the Applicant respectfully requests clarification in the next Office communication.

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## II. ALLOWABLE CLAIMS

The Applicant thanks the Examiner for the indication that Claims 19, 22, and 25 are allowable. These claims remain in condition for allowance.

The Applicant also thanks the Examiner for the indication that Claims 2, 6-17, 23, and 24 would be allowable if rewritten in independent form to incorporate the elements of their respective base claims and any intervening claims. Because the Applicant believes that the remaining claims in this application are allowable, the Applicant has not amended Claims 2, 6-17, 23, and 24 into independent form.

## III. REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects Claims 1, 3-5, 18, and 21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,319,265 to Lim ("*Lim*"). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

*Lim* recites a comparator where a reference voltage is easily adjustable. (*Abstract*). The comparator includes a resistor, a switch, and a current source coupled in series with the reference voltage. (*Figure 2*). The resistor is used to decrease the reference voltage based on the current

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flowing through the current source. (*Abstract*). The switch is controlled by the output of a differential amplifier. (*Figure 2*). The current flow through the current source and the resistor is therefore controlled by the output of the differential amplifier, which allows adjustments to be made to the reference voltage. (*Abstract; Col. 3, Lines 6-13*).

*Lim* fails to anticipate a "comparator device" arranged for comparing "currents received at its two current inputs" and for generating values based on whether the current received at one input is "less than" or "more than" the current received at another input as recited in Claims 1 and 18.

The Office Action asserts that the differential amplifier (element u1) of *Lim* anticipates the "comparator device" recited in Claims 1 and 18. (*Office Action, Page 2, Last paragraph*). However, the differential amplifier of *Lim* does not compare "currents" or generate values based on whether one "current" is less than or more than another "current." Instead, the differential amplifier of *Lim* amplifies a difference between two voltages received at its input terminals. In fact, the whole purpose of *Lim* is to describe how the reference voltage supplied to the differential amplifier may be altered. (*Col. 3, Line 57 – Col. 4, Line 6*). *Lim* lacks any mention that the differential amplifier is capable of comparing "currents." As a result, *Lim* fails to anticipate these elements of Claims 1 and 18.

For these reasons, *Lim* fails to anticipate the Applicant's invention as recited in Claims 1 and 18 (and their dependent claims). Accordingly, the Applicant respectfully requests withdrawal of the § 102 rejection and full allowance of Claims 1, 3-5, 18, and 21.

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**IV. CONCLUSION**

The Applicant asserts that all pending claims in the application are in condition for allowance and respectfully requests an early allowance of such claims.

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**SUMMARY**


If any issues arise, or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: Dec. 17, 2003

  
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William A. Munck  
Registration No. 39,308

P.O. Drawer 800889  
Dallas, Texas 75380  
(972) 628-3600 (main number)  
(972) 628-3616 (fax)  
E-mail: *wmunck@davismunck.com*